

Notice of Allowability

Application No.

09/687,412

Applicant(s)

GLASER ET AL.

Examiner

Art Unit

Hoang-Vu A. Nguyen-Ba

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 2/14/05.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 12 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

DETAILED ACTION

1. This action is responsive to amendment filed February 14, 2005.
2. Claims 1-21 are pending.

Response to Amendments

3. Per Applicants' request, claims 1-6 and 11-15 have been amended; new claims 16-21 have been added.
4. The rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph on the grounds that the base claims 1, 6 and 11 are indefinite is withdrawn in view of Applicants' amendments to claims 1, 6 and 11 to clarify the meaning of the identified limitations in these claims.
5. The rejection of claim 11 under 35 U.S.C. § 112, second paragraph and under 35 U.S.C. § 101, as being a single claim, which claims both an apparatus and the method steps of using the apparatus is withdrawn in view of Applicants' amendments to this claim. The rejection of the dependent claims from claim 11 is also withdrawn.
6. Applicant's arguments, see Remarks/Arguments, pp. 10-15, filed February 14, 2005, with respect to claims 1-15 have been fully considered and are persuasive. The rejection of these claims as being unpatentable over the prior art of record has been withdrawn.

Examiner's Statement of Reason(s) for Allowance

7. Claims 1-21 are allowed.
8. The following is an examiner's statement of reasons for allowance:
The Examiner agrees with Applicants that the prior art of record, taken individually or in any combination, fail to teach an article of manufacture, method,

and computer system for updating an application program as required by independent claims 1, 6 and 11.

Specifically, Hayes or Kenner, fails to teach or suggest the claim requirement of downloading a user configuration to a local data processing system and then determining if an item described in the user configuration has been updated, and if so retrieve the updated item and build the application program with the updated item. Instead, Hayes teaches storing configuration preferences on a server and downloading to a workstation and Kenner teaches determining and downloading updates to codecs in a local registry file on a system. Since Kenner teaches away from the claim requirement that the determination and retrieval are performed with respect to an item in a user configuration defined and downloaded from a remote data processing system, Kenner cannot be used in combination with Hayes to teach the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER

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May 5, 2005